

REMARKS/ARGUMENTS

Claims 1-2, 4-8, 13, 20-22, 27-30, 35-38, 43 and 45 are pending in the above-identified application. In view of the remarks set forth herein, reconsideration of the application is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1, 5, 6, 7, 8, 13, 20, 28 and 36 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Paznekas *et al.* (*Biochem. Biophys. Res. Comm.* 238:1-6, 1997) and Dixon *et al.* (*Hum. Mol. Gen.* 6:727-37, 1997). The Examiner states that Paznekas *et al.* and Dixon *et al.* disclose polypeptide and cDNA sequences having "100% identity to the instantly claimed polypeptide of SEQ ID NO:63."

Applicants respectfully traverse the instant rejection. According to the Examiner's search results document ("SCORE Search Results Details for Application 10088724," dated November 20, 2006 and attached at the end of the Office Action), the Examiner's search was based on the query sequence "PXXXXLTXXP." While SEQ ID NO:63 is set forth in the Sequence Listing as "Pro Xaa Xaa Xaa Xaa Leu Thr Xaa Xaa Pro," Applicant notes that both the Sequence Listing and the claims further define SEQ ID NO:63 by limiting certain variable positions ("Xaa") to particular amino acids. For example, position 3 is limited to Cys or a basic amino acid; position 4 is limited to Leu or Arg; and position 8 is limited to Gly or Ser. (*See, e.g.,* claim 1 and Sequence Listing at SEQ ID NO:3.)

It appears that the Examiner has not considered these limitations on positions 3, 4, and 8 of SEQ ID NO:63. Indeed, according to Applicant's review of Paznekas *et al.* and Dixon *et al.*, when the present claims are considered in light of the variable position limitations summarized above, a sequence as recited in the present claims (and including the generic sequence of SEQ ID NO:63 as explicitly defined in claim 1) is not disclosed by the cited references. Applicant therefore respectfully requests withdrawal of the present rejection.

In the event that the Examiner maintains the present rejection, Applicant respectfully requests that the Examiner point precisely to where in Paznekas *et al.* and Dixon *et al.* she believes a sequence as set forth in claim 1 and SEQ ID NO:63, including all recited limitations of the variable positions 3, 4, and 8, to be disclosed.

Claim Objections

Claims 2, 4, 22, 27, 30, 35, 38, 43 and 45 stand objected to for reciting non-elected subject matter. The Examiner's stated basis for this objection is that the generic polypeptide of SEQ ID NO:63 is allegedly not allowable in view of the newly cited references. Because SEQ ID NO:63 is not disclosed by the cited references as discussed above, Applicant respectfully requests withdrawal of this objection.

Allowable Subject Matter

The Examiner has objected to claims 21, 29, and 37 as dependent from rejected claims but further states that these would be allowed if rewritten in independent form. At this time, because Applicant believes all pending claims to be allowable for at least the reasons set forth above, Applicant respectfully declines to rewrite claims 21, 29, and 37 in independent form.

IKUO NISHIMOTO
Application No. 10/088,724
Reply to Office Action of December 11, 2006

PATENT

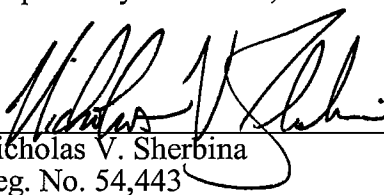
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: April 11, 2007

By: 
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